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RETIRE
LIN H. GRIFFITH

July 31, 1998

VIA FAX (916) 654-9780

TO: Greg Young, BDAC Water Transfer Work Group

FROM: *Roger K. Masuda*
Roger K. Masuda, General Counsel
Turlock Irrigation District

SUBJECT: Revisions to The CALFED Bay-Delta Program Water
Transfer Element - Policy Framework

1. It was the general consensus at the July 8 Work Group meeting that Item 7 under Section 2.2, Criteria for Policy Development, should be amended to read along the following lines:

7. Water districts and agencies that hold water rights or contracts for water proposed to be transferred have the right to determine whether a transfer will occur.

2. You asked me to draft a process for resolution of the "no injury" rule under Issue 1 of Section 4.2, Technical, Operational and Administrative Rules. As stated by Jerry Johns of the SWRCB staff, the SWRCB makes the "no injury" determination. The SWRCB does not have any regulations interpreting the "no injury" rule but it has rendered decisions which have interpreted the rule. Given that regulatory framework, it is suggested that the following be added to the Solutions Options for consideration by the Work Group:

SWRCB staff to present written interpretation of no-injury rule with stakeholder/agency workshops to be held to develop consensus on uniform rules and to identify areas of disagreement and a process for resolving disagreements.

[end of memorandum]